

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: Coloplast Corp.,  
Pelvic Support System Products Liability Litigation*  
**MDL No. 2387**  
Civil Action No. 2:14-cv-18592

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**SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2387 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Sharon LaBruno

2. Plaintiff Spouse

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence

South Carolina

5. District Court and Division in which venue would be proper absent direct filing

U.S. District Court for South Carolina

Columbia Division

6. Defendants (Check Defendants against whom Complaint is made):

☐ A. Mentor Worldwide LLC

- ☒ B. Coloplast Corp.
- ☐ C. American Medical Systems, Inc. (“AMS”)
- ☐ D. Ethicon, Inc.
- ☐ E. Johnson & Johnson
- ☐ F. Boston Scientific Corporation
- ☐ G. C. R. Bard, Inc. (“Bard”)
- ☐ H. Sofradim Production SAS (“Sofradim”)
- ☐ I. Tissue Science Laboratories Limited (“TSL”)
- ☐ J. Cook Incorporated
- ☐ K. Cook Biotech, Inc.
- ☐ L. Cook Medical, Inc.
- ☐ M. Desarrollo e Investigación Médica Aragonesa, S.L. (“DIMA”)
- ☐ N. Neomedic International, S.L.
- ☐ O. Neomedic Inc.
- ☐ P. Specialties Remeex International, S.L.

7. Basis of Jurisdiction

☒ Diversity of Citizenship

☐ Other:

A. Paragraphs in First Amended Master Complaint upon which venue and jurisdiction

lie:

1-21

B. Other allegations of jurisdiction and venue

N/A

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ A. T-Sling-Universal Polypropylene Sling;
- ☒ B. Aris-Transobturator Sling System;
- ☐ C. Supris-Suprapubic Sling System;
- ☐ D. Novasilk-Synthetic Flat Mesh;
- ☐ E. Suspend-Tutoplast Processed Fascia Lata;
- ☐ F. Exair-Prolapse Repair System;
- ☐ G. Axis-Tutoplast Processed Dermis;
- ☐ H. Restorelle;
- ☐ I. Smartmesh;
- ☐ J. Omnisure;
- ☐ K. Minitape;
- ☐ L. Coloplast Mesh Product(s), specific product name(s) unknown at present;
- ☐ M. Non-Coloplast Mesh Product(s) known as \_\_\_\_\_; and/or
- ☐ N. Other: \_\_\_\_\_

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. T-Sling-Universal Polypropylene Sling;

- ☒ B. Aris-Transobturator Sling System;
- ☐ C. Supris-Suprapubic Sling System;
- ☐ D. Novasilk-Synthetic Flat Mesh;
- ☐ E. Suspend-Tutoplast Processed Fascia Lata;
- ☐ F. Exair-Prolapse Repair System;
- ☐ G. Axis-Tutoplast Processed Dermis;
- ☐ H. Restorelle;
- ☐ I. Smartmesh;
- ☐ J. Omnisure;
- ☐ K. Minitape;
- ☐ L. Coloplast Mesh Product(s), specific product name(s) unknown at present;
- ☐ M. Non-Coloplast Mesh Product(s) known as \_\_\_\_\_;
- ☐ N. Other: \_\_\_\_\_

10. Date of Implantation as to Each Product

3/11/2009

11. Hospital(s) where Plaintiff was implanted (including City and State)

Tuomey Healthcare System

Sumter, SC

12. Implanting Surgeon(s)

Robert E. Lee, M.D.

### 13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence
  - ☒ Count II - Strict Liability – Design Defect
  - ☒ Count III - Strict Liability – Manufacturing Defect
  - ☒ Count IV - Strict Liability – Failure to Warn
  - ☒ Count V - Strict Liability – Defective Product
  - ☒ Count VI - Breach of Express Warranty
  - ☒ Count VII - Breach of Implied Warranty
  - ☒ Count VIII - Fraudulent Concealment
  - ☒ Count IX - Constructive Fraud
  - ☒ Count X - Discovery Rule, Tolling and Fraudulent Concealment
  - ☒ Count XI - Negligent Misrepresentation
  - ☒ Count XII - Negligent Infliction of Emotional Distress
  - ☒ Count XIII - Violation of Consumer Protection Laws
  - ☒ Count XIV - Gross Negligence
  - ☒ Count XV - Unjust Enrichment
  - ☐ Count XVI - (By the Spouse) – Loss of Consortium
  - ☒ Count XVII - Punitive Damages
  - ☐ Other   (please state the facts supporting this Count in the space, immediately below)

s/ Jeffrey M. Kuntz

Attorney(s) for Plaintiff

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